

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on September 16, 2004, with one reference acknowledged. The examiner did not consider the Japanese language reference by Yoshiharu. Accordingly, submitted herewith is Request for Return of Initialed Form PTO-1449 with an explanation of relevance of the Japanese language reference, and another copy of the form PTO-1449. The examiner is respectfully requested to initial and return the form PTO-1449.

Claims 1 – 6, 8, and 11 – 17 are pending. Claims 7, 9 and 10 have been canceled. Claims 11 – 17 have been allowed. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 3 and 5 – 8 were rejected under 35 USC 112, second paragraph, as being indefinite. The particular instances of indefiniteness listed in the have been corrected by way of the above amendment. The phrase “tissue-derived compound or the derives” and “aromatic series natural product” have been amended to read “a polymer derived from an aromatic compound found in nature” or “aromatic compound(s) found in nature.” Copies of relevant pages from dictionaries are attached hereto to confirm that the word “aromatic” means relating to or containing one or more six-carbon rings characteristic of the benzene series and related organic groups, that the phrase “aromatic series” means a chemical compound derived from benzene or the like, and that the phrase “natural product” means a chemical substance found in

nature. (TheFreeDictionary.Com, <http://medical-dictionary.thefreedictionary.com>.) In view of the amended claims, the examiner is respectfully requested to withdraw the rejection.

Claims 1 – 10 were rejected under 35 USC 112, first paragraph, because the specification allegedly does not provide enablement for species other than a bio-liquid crystal polymer comprising a 4HCA and LCA. Insofar as the rejection may be applied to the claims as amended, the examiner is respectfully requested to withdraw the rejection for reasons including the following. The claims have been amended to recite “aromatic compound(s)” and a polymer comprising “an aromatic ring in a main chain.” The polymer comprising “an aromatic ring in a main chain” is explicitly disclosed in chemical formulas (1) and (4) in the present specification. Consequently, the specification enables a person skill in the art to make and use the invention commensurate in scope with these claims. Accordingly, the examiner is respectfully requested to withdraw the rejection.

Claims 1 – 3 and 5 – 10 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,932,539, Stupp et al. (“Stupp”). Insofar as the rejection may be applied to claims 1 – 3, 5 – 6, and 8 as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

Claim 1 recites in combination, e.g., that “said derived polymer comprises an aromatic ring in a main chain.” Claim 5 recites in combination that “said copolymer comprises an aromatic ring in a main chain.” (See also independent claim 6.) Claim 8 recites in combination that “said homopolymer comprises an aromatic ring in a main chain.”

The office action asserts that Stupp discloses the invention as claimed. To the contrary, Stupp fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Stupp fails to teach or suggests, for example, an “aromatic ring in a main

chain.” (See, e.g., independent claims 1, 5, 6 and 8.) According to Fig. 3 of Stupp, there is provided a polymer containing a benzene ring, the benzene ring of the polymer is located only as a protecting group (or a capping group) at the end of the polymer chain. Stupp completely fails to suggest an “aromatic ring in a main chain.”

Stupp fails to teach or suggest, for example, these elements recited in independent claims 1, 5, 6 and 8. It is respectfully submitted therefore that claims 1, 5, 6 and 8 are patentable over Stupp.

For at least these reasons, the combination of features recited in independent claims 1, 5, 6 and 8, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Stupp clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

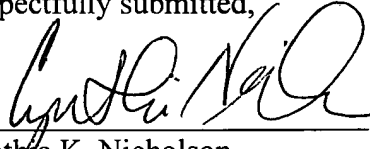
The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

Cynthia K. Nicholson

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